

Arizona Revised Statutes

2002/2003

45th Legislature, 2nd regular session information

[Title 11 - Counties](#)

CHAPTER 7 - INTERGOVERNMENTAL OPERATIONS

Article 6 - Animal Control

[11-1001](#) - Definitions

[11-1002](#) - Powers and duties of the state veterinarian and the Arizona department of agriculture

[11-1003](#) - Powers and duties of department of health services

[11-1005](#) - Powers and duties of board of supervisors

[11-1006](#) - Hearing officer; hearing on civil violations; additional remedies

[11-1007](#) - Powers and duties of county enforcement agent

[11-1008](#) - License fees for dogs; issuance of dog tags; records; classification

[11-1009](#) - Kennel permit; fee; violation; classification

[11-1010](#) - Anti-rabies vaccination; vaccination and license stations

[11-1011](#) - Rabies control fund

[11-1012](#) - Dogs not permitted at large; wearing licenses

[11-1013](#) - Establishment of county pounds; impounding and disposing of dogs and cats; reclaiming impounded dogs and cats; pound fees

[11-1014](#) - Biting animals; reporting; handling and destruction

[11-1015](#) - Unlawful interference with county enforcement agent

[11-1016](#) - Removing impounded animals

[11-1017](#) - Unlawful keeping of dogs

[11-1018](#) - Exemption of cities, towns and counties

[11-1019](#) - Violation; classification

[11-1020](#) - Dogs; liability

Article 6.1 - Handling of Animals

[11-1021](#) - Proper care, maintenance and destruction of impounded animals

[11-1022](#) - Sterilization of impounded dogs and cats; definition

[11-1023](#) - Unauthorized release of animals; classification; damages

[11-1024](#) - Dog guides and service dogs; rights; procedures; violation; classification; definitions

[11-1025](#) - Liability for dog bites

[11-1026](#) - Lawful presence on private property defined

[11-1027](#) - Reasonable provocation as defense

11-1002. Powers and duties of the state veterinarian and the Arizona department of agriculture

A. The state veterinarian, employed pursuant to section 3-1211, shall designate the type or types of anti-rabies vaccines that may be used for vaccination of animals, the period of time between vaccination and revaccination and the dosage and method of administration of the vaccine.

B. The Arizona department of agriculture shall regulate the handling and disposition of animals classed as livestock that have been bitten by a rabid or suspected rabid animal or are showing symptoms suggestive of rabies.

11-1003. Powers and duties of department of health services

A. The department of health services shall regulate the handling and disposition of animals other than livestock that have been bitten by a rabid or suspected rabid animal or are showing symptoms suggestive of rabies.

B. The department of health services may require the county enforcement agent to submit a record of all dog licenses issued and in addition any information deemed necessary to aid in the control of rabies.

11-1005. Powers and duties of board of supervisors

A. Each county board of supervisors may:

1. Designate or employ a county enforcement agent. If such designation or employment is not made, the county sheriff shall be the county enforcement agent, but nothing in this article shall be deemed to prevent the county board of supervisors from designating or employing a county enforcement agent at any time it is deemed necessary or advisable.

2. Provide the county enforcement agent with such personnel and equipment as are necessary to enforce the provisions of this article and the rules adopted under this article.

3. Contract with any city or town to enforce the provisions of any ordinance enacted by such city or town for the control of dogs.

4. For the unincorporated areas of the county, by ordinance, regulate, restrain and prohibit the running at large of dogs, except dogs used for control of livestock or while being used or trained for hunting.

5. For the unincorporated areas of the county, by ordinance, regulate, restrain and prohibit the excessive and unrestrained barking of dogs.

6. Establish either:

(a) Criminal penalties not to exceed the penalties for a class 2 misdemeanor for violation of an ordinance adopted pursuant to paragraph 4 or 5.

(b) Civil penalties for violations of an ordinance adopted pursuant to paragraph 4 or 5, not to exceed five hundred dollars for each violation.

B. Fines received for violation of an ordinance adopted with a criminal penalty pursuant to subsection A, paragraph 6, subdivision (a) shall be deposited in a special, permanent, nonlapsing and nonreverting county fund to be used solely for the operation of the county enforcement agency.

C. Each county board of supervisors may establish pound fees for impounding and maintaining animals at the county pound or any pound used by the county.

D. The county board of supervisors shall be responsible for declaring a rabies quarantine area within its jurisdiction on a recommendation of the county board of health or the local health department. If a rabies quarantine area is declared, the county board of supervisors shall meet with the county board of health and the county enforcement agent and institute an emergency program for the control of rabies within that area provided that any regulations restricting or involving the movement of livestock within that area shall be developed by the state veterinarian.

11-1006. Hearing officer; hearing on civil violations; additional remedies

A. A county board of supervisors that establishes a civil penalty for violating an animal statute or ordinance may appoint one or more hearing officers to hear and determine such cases. The board may appoint a county employee to serve as hearing officer in addition to his other work.

B. The hearing officer shall hold a hearing on each violation reported by the county enforcement agent. Notice of the hearing shall be served personally on the defendant at least ten days before the hearing. The county enforcement agent shall use a uniform traffic ticket and complaint for civil traffic cases pursuant to the rules of procedure in traffic cases adopted by the supreme court, modified as applicable, in citing persons for violations of ordinances adopted with a civil penalty pursuant to section 11-1005, subsection A, paragraph 6, subdivision (b).

C. At the hearing the county enforcement agent shall present evidence of the violation and the defendant, or his attorney or other designated representative, shall have an opportunity to present evidence. The county attorney may represent and present evidence for the county enforcement agent.

D. At the conclusion of the hearing the hearing officer shall determine whether a violation occurred and, if so, impose civil penalties provided for under section 11-1005, subsection A, paragraph 6, subdivision (b). Monies collected for civil penalties shall be deposited in the county general fund. The board of supervisors shall adopt, in the same

manner as the animal ordinances, written rules of procedure for the hearings and review of hearings. Final decisions of the hearing officer under this subsection are subject to judicial review under title 12, chapter 7, article 6.

E. In addition to other remedies provided by law, the board of supervisors, the county attorney, the county enforcement agent or a private individual or other entity that is specially damaged by a violation of an animal statute or ordinance may institute an injunction, mandamus, abatement or other appropriate action or proceeding to prevent or abate the violation.

11-1007. Powers and duties of county enforcement agent

A. The county enforcement agent shall:

1. Enforce the provisions of this article, county ordinances adopted under this article and municipal ordinances which the board of supervisors has contracted to enforce.

2. Issue citations for the violation of the provisions of this article, county ordinances adopted under this article and municipal ordinances which the board of supervisors has contracted to enforce. The procedure for the issuance of notices to appear shall be as provided for peace officers in section 13-3903, except that the enforcement agent shall not make an arrest before issuing the notice.

B. The issuance of citations pursuant to this section shall be subject to the provisions of section 13-3899.

C. The county enforcement agent may designate deputies.

11-1008. License fees for dogs; issuance of dog tags; records; classification

A. The board of supervisors of each county may set a license fee which shall be paid for each dog four months of age or over that is kept, harbored or maintained within the boundaries of the state for at least thirty consecutive days of each calendar year. License fees shall become payable at the discretion of the board of supervisors of each county. The licensing period shall not exceed the period of time for revaccination as designated by the state veterinarian. License fees shall be paid within ninety days to the board of supervisors. A penalty not to exceed two dollars shall be added to the license fee in the event that application is made subsequent to the date on which the dog is required to be licensed under the provisions of this article. This penalty shall not be assessed against applicants who furnish adequate proof that the dog to be licensed has been in their possession in Arizona less than thirty consecutive days.

B. If the board of supervisors adopts a license fee, the board shall provide durable dog tags. Each dog licensed under the terms of this article shall receive, at the time of licensing, such a tag on which shall be inscribed the name of the county, the number of the license, and the date on which it expires. The tag shall be attached to a collar or

harness which shall be worn by the dog at all times while running at large, except as otherwise provided in this article. Whenever a dog tag is lost, a duplicate tag shall be issued upon application by the owner and payment of a fee established by the board of supervisors.

C. The board of supervisors may set license fees that are lower for dogs permanently incapable of procreation. An applicant for a license for a dog claimed to be incapable of procreation shall furnish adequate proof satisfactory to the enforcement agent that such dog has been surgically altered to be permanently incapable of procreation.

D. All fees and penalties shall be deposited in the rabies control fund pursuant to section 11-1011.

E. Any person who knowingly fails within fifteen days after written notification from the county enforcement agent to obtain a license for a dog required to be licensed, counterfeits an official dog tag, removes such tag from any dog for the purpose of intentional and malicious mischief or places a dog tag upon a dog unless the tag was issued for that particular dog is guilty of a class 2 misdemeanor.

11-1009. Kennel permit; fee; violation; classification

A. A person operating a kennel shall obtain a permit issued by the board of supervisors of the county where the kennel is located except if each individual dog is licensed.

B. The annual fee for the kennel permit is seventy-five dollars or the actual cost of recovery as determined by the board of supervisors.

C. A dog remaining within the kennel is not required to be licensed individually under section 11-1008. A dog leaving the controlled kennel conditions shall be licensed under section 11-1008 except if the dog is only being transported to another kennel which has a permit issued under this section.

D. A person who fails to obtain a kennel permit under this section is subject to a penalty of twenty-five dollars in addition to the annual fee.

E. A person who knowingly fails to obtain a kennel permit within thirty days after written notification from the county enforcement agent is guilty of a class 2 misdemeanor.

11-1010. Anti-rabies vaccination; vaccination and license stations

A. Before a license is issued for any dog, the owner or a veterinarian must present a paper or electronic copy or telefacsimile of the vaccination certificate signed by a veterinarian stating the owner's name and address, and giving the dog's description, date of vaccination, manufacturer and serial number of the vaccine used and date revaccination is due. A duplicate of each rabies vaccination certificate issued shall be transmitted to the county enforcement agent within two weeks of the date the dog was vaccinated. No dog

shall be licensed unless it is vaccinated in accordance with the provisions of this article and the regulations promulgated pursuant to this article.

B. A dog vaccinated in any other state prior to entry into Arizona may be licensed in Arizona provided that, at the time of licensing, the owner of the dog presents a vaccination certificate, signed by a veterinarian licensed to practice in that state or a veterinarian employed by a governmental agency in that state, stating the owner's name and address, and giving the dog's description, date of vaccination and type, manufacturer and serial number of the vaccine used. The vaccination must be in conformity with the provisions of this article and the regulations promulgated pursuant to this article.

C. The county enforcement agent shall make provisions for vaccination clinics as deemed necessary. The vaccination shall be performed by a veterinarian.

11-1011. Rabies control fund

A. The board of supervisors shall transmit the monies collected under the provisions of this article to the county treasurer for deposit in a special fund to be known as the rabies control fund to be used for the enforcement of the provisions of this article and the regulations promulgated thereunder. The county treasurer shall maintain the fund.

B. Any unencumbered balance remaining in the rabies control fund at the end of a fiscal year shall be carried over into the following fiscal year.

11-1012. Dogs not permitted at large; wearing licenses

A. Neither a female dog during her breeding or mating season nor a vicious dog shall be permitted at large.

B. In a rabies quarantine area, no dogs shall be permitted at large. Each dog shall be confined within an enclosure on the owner's property, or secured so that the dog is confined entirely to the owner's property, or on a leash not to exceed six feet in length and directly under the owner's control when not on the owner's property.

C. Any dog over the age of four months running at large shall wear a collar or harness to which is attached a valid license tag. Dogs used for control of livestock or while being used or trained for hunting or dogs while being exhibited or trained at a kennel club event or dogs while engaged in races approved by the Arizona racing commission, and such dogs while being transported to and from such events, need not wear a collar or harness with a valid license attached provided that they are properly vaccinated, licensed and controlled.

D. No person in charge of any dog shall permit such dog in a public park or upon any public school property unless the dog is physically restrained by a leash, enclosed in a car, cage or similar enclosure, or being exhibited or trained at a recognized kennel club event, public school or park sponsored event.

11-1013. Establishment of county pounds; impounding and disposing of dogs and cats; reclaiming impounded dogs and cats; pound fees

A. The board of supervisors in each county may provide or authorize a county pound or pounds or enter into a cooperative agreement with a city, a veterinarian or an Arizona incorporated humane society for the establishment and operation of a county pound.

B. Any stray dog shall be impounded. All dogs and cats impounded shall be given proper care and maintenance.

C. Each stray dog or any cat impounded shall be kept and maintained at the county pound for a minimum of seventy-two hours unless claimed by its owner. Any person may purchase such a dog or cat upon expiration of the impoundment period, provided such person pays all pound fees established by the county board of supervisors and complies with the licensing and vaccinating provisions of this article. If such dog or cat is to be used for medical research, no license or vaccination shall be required.

D. Any impounded licensed dog or any cat may be reclaimed by its owner or such owner's agent provided that the person reclaiming the dog or cat furnishes proof of his right to do so and pays all pound fees established by the board of supervisors. Any person purchasing such a dog or cat shall pay all pound fees established by the board of supervisors.

E. If the dog or cat is not reclaimed within the impoundment period, the county enforcement agent shall take possession of and may place the dog or cat for sale or may dispose of the dog or cat in a humane manner. The county enforcement agent may destroy impounded sick or injured dogs or cats if destruction is necessary to prevent the dog or cat from suffering or to prevent the spread of disease.

11-1014. Biting animals; reporting; handling and destruction

A. An unvaccinated dog or cat that bites any person shall be confined and quarantined in a county pound or, on request of and at the expense of the owner, at a veterinary hospital for a period of not less than ten days. The quarantine period shall start on the day of the bite incident. If the day of the bite is not known, the quarantine period shall start on the first day of impoundment. A dog properly vaccinated pursuant to this article that bites any person may be confined and quarantined at the home of the owner or wherever the dog is harbored and maintained with the consent of and in a manner prescribed by the county enforcement agent.

B. Any domestic animal, other than a dog, a cat or a caged or pet rodent or rabbit, that bites any person shall be confined and quarantined in a county pound or, on the request and at the expense of the owner, at a veterinary hospital for a period of not less than fourteen days. Livestock shall be confined and quarantined for the fourteen-day period in a manner regulated by the Arizona department of agriculture. Caged or pet rodents or rabbits shall not be quarantined or laboratory tested.

C. With the exception of a wild rodent or rabbit, any wild animal that bites any person or directly exposes any person to its saliva may be killed and submitted to the county enforcement agent or the agent's deputies for transport to an appropriate diagnostic laboratory. A wild rodent or rabbit may be submitted for laboratory testing if the animal has bitten a person and either the animal's health or behavior indicates that the animal may have rabies or the bite occurred in an area that contains a rabies epizootic, as determined by the department of health services.

D. Whenever an animal bites any person, the incident shall be reported to the county enforcement agent immediately by any person having direct knowledge.

E. The county enforcement agent may destroy any animal confined and quarantined pursuant to this section before the termination of the minimum confinement period for laboratory examination for rabies if:

1. The animal shows clear clinical signs of rabies.
2. The animal's owner consents to its destruction.

F. Any animal subject to licensing under this article found without a tag identifying its owner shall be deemed unowned.

G. The county enforcement agent shall destroy a vicious animal by order of a justice of the peace or a city magistrate. A justice of the peace or city magistrate may issue an order to destroy a vicious animal after notice to the owner, if any, and the person who was bitten, and a hearing. The justice of the peace or city magistrate may impose additional procedures and processes to protect all parties in the interest of justice and any decision by the justice of the peace or magistrate may be appealed to the superior court.

H. The owner of a vicious animal shall be responsible for any fees incurred by the enforcement agent for the impounding, sheltering and disposing of the vicious animal.

11-1015. Unlawful interference with county enforcement agent

It is unlawful for any person to interfere with the county enforcement agent in the performance of his duties.

11-1016. Removing impounded animals

No person may remove or attempt to remove an animal which has been impounded or which is in the possession of the county enforcement agent except in accordance with the provisions of this article and the regulations promulgated thereunder.

11-1017. Unlawful keeping of dogs

It is unlawful for a person to keep, harbor or maintain a dog within the state of Arizona except as provided by the terms of this article.

11-1018. Exemption of cities, towns and counties

A. The provisions of this article shall not apply to incorporated cities or towns that impose a license fee and vaccination on dogs by ordinance, provided that such ordinance is equal to or more stringent than the provisions of this article.

B. The provisions of this article shall not apply to counties which regulate the running at large of dogs in the unincorporated areas of the county by ordinance provided that such ordinance is equal to or more stringent than the provisions of this article.

11-1019. Violation; classification

Any person who fails to comply with the requirements of this article, or violates any of its provisions, is guilty of a class 2 misdemeanor unless another classification is specifically prescribed in this article.

11-1020. Dogs; liability

Injury to any person or damage to any property by a dog while at large shall be the full responsibility of the dog owner or person or persons responsible for the dog when such damages were inflicted.

11-1021. Proper care, maintenance and destruction of impounded animals

A. Any animal impounded in a county, city or town pound shall be given proper and humane care and maintenance.

B. Any animal destroyed while impounded in a county, city or town pound shall be destroyed only by the use of one of the following:

1. Sodium pentobarbital or a derivative of sodium pentobarbital.
2. Nitrogen gas.
3. T-61 euthanasia solution or its generic equivalent.

C. If an animal is destroyed by means specified in subsection B, paragraph 1 or 3 of this section, it shall be done by a licensed veterinarian or in accordance with procedures established by the state veterinarian pursuant to section 3-1213.

D. The governing body of any county, city or town which operates a pound shall establish procedures for the humane destruction of impounded animals by the methods described in subsections B and C of this section.

11-1022. Sterilization of impounded dogs and cats; definition

A. A dog or cat shall not be released for adoption from a county, city or town pound or from an animal shelter unless one of the following applies:

1. The dog or cat has been first surgically spayed or neutered.
2. there is no veterinary facility capable of performing surgical sterilization within a twenty mile radius of the pound or shelter.
3. A veterinarian determines that a medical contraindication for surgery exists that reasonably requires postponement of the surgery until the surgery can be performed in a safe and humane manner.

B. If subsection A, paragraph 2 or 3 applies, the adopting party shall sign an agreement to have the dog or cat spayed or neutered by a veterinarian within thirty days or within fifteen days of a veterinarian's determination that surgical sterilization may be performed in a safe and humane manner and shall deposit with the pound or shelter an amount sufficient to ensure that the dog or cat will be sterilized.

C. If the adoption fee includes the cost of spaying or neutering, then no deposit is required. The amount of the deposit required by subsection B shall be determined by the pound or shelter to be comparable to the lowest fee charged by veterinarians in the county. The pound or shelter shall refund to the adopting party any monies deposited pursuant to the agreement if within the time provided in the agreement there is presented a written statement signed by a licensed veterinarian that the adopted dog or cat has been spayed or neutered.

11-1023. Unauthorized release of animals; classification; damages

A person who intentionally releases an animal that is lawfully confined for scientific, research, commercial, educational or for public event, display or exhibition purposes without the consent of the owner or custodian of the animal is guilty of a class 6 felony and in addition is liable for all of the following:

1. To the owner of the animal for damages including the costs of restoring the animal to confinement and to its health condition before the release.
2. For damages to real and personal property caused by the released animal.

3. If the release causes the failure of an experiment or loss of market value, for all costs of repeating the experiment and the loss of value, including replacement of the animals, labor and materials.

11-1024. Dog guides and service dogs; rights; procedures; violation; classification; definitions

A. The legally blind, the visually impaired, the deaf and the auditorially impaired and the physically handicapped have the same right as all persons to the use of all streets, highways, walkways, common carriers, public lodging places, public eating places, public amusements and other places to which the general public is invited.

B. In any of the places listed in subsection A, every legally blind person may make use of a cane, predominately white or metallic in color, and every legally blind person, deaf person, physically handicapped person and dog guide trainer or service dog trainer may make use of a dog guide or service dog. These persons shall not be denied admittance nor be required to pay any admission charges for their dog guides or service dogs to such public places except as provided in subsection C. Such persons shall be liable for any damages done to the premises by their dog guides or service dogs. Any person using a dog guide or service dog may be required to identify the dog guide or service dog by exhibiting the dog's laminated identification card before the provisions of this section shall apply.

C. A zoo or wild animal park may prohibit a dog guide or service dog from any area of the zoo or park where the dog guide or service dog can come into direct contact with the animals contained in the zoo or park. Dog guides and service dogs shall not be excluded from public walkways or sidewalks or from any area that allows for physical barriers between the dog guides or service dogs and the animals in the zoo or park. Any zoo or wild animal park that prohibits dog guides and service dogs shall provide without cost adequate facilities for the temporary confinement of dog guides and service dogs. Such facilities shall be adequate to accommodate the anticipated attendance of legally blind, deaf or physically handicapped persons, shall be in an area not accessible to the general public, shall provide water for the dog guides and service dogs and shall otherwise be safe, clean and comfortable. The zoo or wild animal park on request by the legally blind person who is required to leave his dog guide or service dog pursuant to this subsection shall provide a sighted escort if the legally blind person is unaccompanied by a sighted person. In this subsection, "wild animal park" means an entity which is open to the public on a regular basis, which is licensed by the United States department of agriculture as an exhibit, and which is operating primarily to conserve, propagate and exhibit wild and exotic animals.

D. The driver of a vehicle approaching a legally blind pedestrian who is carrying a cane, predominately white or metallic in color, who is using a dog guide or service dog or who is assisted by a sighted person shall yield the right-of-way and take reasonable precautions to avoid injury to the pedestrian and the dog guide or service dog. The

pedestrian has the same rights as any other person whether or not he is carrying the cane, using the dog guide or service dog or being assisted by a sighted person.

E. A driver who violates any provision of subsection D is liable for damages for any injury caused the pedestrian or his dog guide or service dog.

F. Any person who violates any provision of this section is guilty of a class 1 misdemeanor.

G. For purposes of this section:

1. "Dog guide" and "service dog" includes a dog guide or service dog in training.
2. "Dog guide trainer" and "service dog trainer" means any person working in conjunction with a dog guide or service dog training school, including salaried and volunteer trainers.
3. "Service dog" means a dog which has gone through a formal training program, which assists its owner in one or more daily living tasks associated with a productive life-style and which is sufficiently conditioned to be of no danger to the health and safety of the general public.

11-1025. Liability for dog bites

A. The owner of a dog which bites a person when the person is in or on a public place or lawfully in or on a private place, including the property of the owner of the dog, is liable for damages suffered by the person bitten, regardless of the former viciousness of the dog or the owner's knowledge of its viciousness.

B. Nothing in this section or in section 11-1020 shall permit the bringing of an action for damages against any governmental agency using a dog in military or police work if the bite occurred while the dog was defending itself from a harassing or provoking act, or assisting an employee of the agency in any of the following:

1. In the apprehension or holding of a suspect where the employee has a reasonable suspicion of the suspect's involvement in criminal activity.
2. In the investigation of a crime or possible crime.
3. In the execution of a warrant.
4. In the defense of a peace officer or another person.

C. Subsection B of this section shall not apply in any case where the victim of the bite was not a party to, nor a participant in, nor suspected to be a party to or a participant in, the act that prompted the use of the dog in the military or police work.

D. Subsection B of this section shall apply only where a governmental agency using a dog in military or police work has adopted a written policy on the necessary and appropriate use of a dog for the police or military work enumerated in subsection B of this section.

11-1026. Lawful presence on private property defined

A person is lawfully in or on the private property of the owner of a dog within the meaning of this article when an invitee or guest, or when in the performance of a duty imposed upon him by law of the state or United States, or by ordinances of a municipality in which such property is located.

11-1027. Reasonable provocation as defense

Proof of provocation of the attack by the person injured shall be a defense to the action for damages. The issue of provocation shall be determined by whether a reasonable person would expect that the conduct or circumstances would be likely to provoke a dog.

11-1028. Definitions

In this article, unless the context otherwise requires, the definitions in section 11-1001 apply.

For the latest Arizona Revised Statutes pertaining to rabies and animal control, please visit <http://www.azleg.state.az.us/ars/ars.htm> and scroll downwards to Title 11.